

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-2145**

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D. JOHNSON WILLIS; TAIMAK D. WILLIS, minor,

Plaintiffs - Appellants,

versus

COUNTY OF LENOIR, NORTH CAROLINA; GEORGE W. GRAHAM, JR., individually and as Chairman of Lenoir County Commissioners; DEE SMITH, individually and as member of County Commissioners; ANNETTE T. WEST, individually and as member of County Commissioners; REMUS STANLEY, JR., individually and as member of County Commissioners; ELMER SMITH, individually and as member of County Commissioners; OSCAR HERRING, individually and as member of County Commissioners; MARQUERITE WHITFIELD, individually and as member of County Commissioners; BOB SNAPP, individually and as County Manager; LENOIR COUNTY SHERIFF DEPARTMENT, and its entity; W. E. SMITH, a/k/a Billy Smith, individually and as County Sheriff; A. T. WILLIAMS, individually and as Deputy Sheriff; C. D. CAHOON, individually and as Deputy Sheriff, STATE OF NORTH CAROLINA; JAMES B. HUNT, JR., as Chief Executive Officer and Governor of the State of North Carolina; ADMINISTRATIVE OFFICE OF THE COURTS, and its entities; JIM DRENNON, individually and as Director; JAMES LLEWELLYN, individually and as Superior Court Judge; PATRICK EXUM, individually and as District Court Judge; CLAUDE DAVIS, individually and as Clerk of Superior Court; ETHRO HILL, individually and as Magistrate; NORTH CAROLINA DEPARTMENT OF TRANSPORTATION; GARLAND B. GARRETT, individually and as Secretary of Department of Transportation; LARRY GOODE, individually and as Administrator; THE HIGHWAY ADMINISTRATION; UNITED STATES OF AMERICA; WILLIAM J. CLINTON, as Chief

Executive Officer and President of the United States; UNITED STATES DEPARTMENT OF TRANSPORTATION; FREDERICO PENA, individually and as Secretary of the Federal Department of Transportation; RODNEY SLATER, individually and as Administrator; THE HIGHWAY ADMINISTRATION, their successors and agents,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (CA-96-45-4-BO)

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Submitted: February 25, 1997

Decided: August 13, 1997

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Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Affirmed as modified by unpublished per curiam opinion.

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D. Johnson Willis, Appellant Pro Se. G. Christopher Olson, WOMBLE, CARLYLE, SANDRIDGE & RICE, Raleigh, North Carolina; Robert Orr Crawford, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina; Thomas Giles Meacham, Jr., OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellants appeal the district court's order dismissing their civil rights action under Fed. R. Civ. P. 12(b)(1) & (6). We have reviewed the record and the district court's opinion and find no reversible error. Willis v. County of Lenoir, No. CA-96-45-4-BO (E.D.N.C. July 26, 1996). However, we modify the order to reflect dismissal pursuant only to Fed. R. Civ. P. 12(b)(6). See Fed. R. Civ. P. 4(m). We deny Willis's motions to amend the notice of appeal and to remand the case, and grant Willis's motion to proceed on appeal in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED